

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**GERALD DUNLEAVY and  
KIMBERLY DUNLEAVY, W/H,  
Plaintiffs,**

v.

**ENCOMPASS HOME & AUTO  
INSURANCE COMPANY,  
Defendant.**

**CIVIL ACTION**

**NO. 20-1030**

**O R D E R**

AND NOW, this 10th day of September, 2020, upon consideration of Defendant Encompass Home and Auto Insurance Company's Motion to Dismiss Pursuant to Federal Rule of Civil Procedure 12(b)(6) (Document No. 5, filed April 23, 2020), Plaintiffs' Brief in Opposition to Defendant's Partial Motion to Dismiss Count II: Bad Faith (Document No. 6, filed May 5, 2020), and Response of Defendant Encompass Home and Auto Insurance Company to Plaintiff's Reply to Defendant's Motion to Dismiss (Document No. 7, filed May 11, 2020), for the reasons set forth in the Memorandum dated September 10, 2020, **IT IS ORDERED** that defendant's Motion to Dismiss is **DENIED**.

**IT IS FURTHER ORDERED** that a preliminary pretrial conference will be scheduled in due course.

**BY THE COURT:**

**Hon. Jan E. DuBois**

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**DuBOIS, JAN E., J.**